

Court of Appeals, State of Michigan

ORDER

People of MI v Leon Decarlo Meriweather

Docket No. 296467

LC No. 08-018415-FC

Donald S. Owens
Presiding Judge

William C. Whitbeck

Alton T. Davis
Judges

On the Court's own motion, the Clerk's Office shall treat defendant's delayed application for leave to appeal as filed within the deadline set forth in MCR 7.205(F)(3) because appellate counsel's failure to file the delayed application within the deadline constituted ineffective assistance of counsel. *People v Means*, 480 Mich 989 (2007); *People v McCoy*, 480 Mich 989 (2007); *People v Rodgers*, 480 Mich 989 (2007); and *People v Kipfer*, 480 Mich 990 (2007).

Attorney Rolf E. Berg (P26758) shall pay to the Clerk of this Court costs of \$250 within 21 days of the Clerk's certification of this order. This sanction is personal to the attorney and shall not be charged back to the county or the state.

Owens, J., would not find counsel to have been ineffective, and would not assess costs against counsel, because it is not clear that counsel filed the delayed application for leave to appeal after midnight.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 05 2010
Date

Sandra Schultz Mengel
Chief Clerk